



# NRC NEWS

U. S. NUCLEAR REGULATORY COMMISSION

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## **NRC STAFF ISSUES ORDER PROHIBITING INVOLVEMENT IN NRC-LICENSED ACTIVITIES TO FORMER RADIATION SAFETY OFFICER IN IDAHO**

The Nuclear Regulatory Commission staff has issued an Order to the former radiation safety officer of Structural Testing and Inspection Co., (STI) of Pocatello, Idaho, prohibiting him from involvement in NRC-licensed activities for three years.

The order prohibits Lowell S. Trujillo from engaging in any NRC-licensed activities for three years and requires him to notify the NRC if he engages in any such activity within a period of three years from the time the prohibition expires.

On September 12, 2002, a Custer County Deputy Sheriff investigating the theft of construction equipment in Stanley, Idaho, confiscated and impounded a portable moisture density gauge containing radioactive material after an STI employee was unable to provide any proof of ownership. Shortly thereafter, Mr. Trujillo faxed to the sheriff's office a copy of a bill of sale for the gauge along with a copy of an NRC license issued to a company with which Mr. Trujillo was no longer employed. The sheriff's deputy released the gauge to Mr. Trujillo, then a business partner with STI, but contacted the NRC to discuss the circumstances.

Subsequent investigation by the NRC has determined that Mr. Trujillo deliberately violated NRC requirements by using a license issued to his former employer to purchase, possess and use devices containing radioactive material under the false pretense that he was authorized to do so.

"To have adequate assurance that the public health and safety will be protected, the NRC must be able to rely on the integrity of individuals to comply with NRC requirements," Carl J. Paperiello, NRC's Deputy Executive Director for Materials, Research and State Programs, said in

the order issued to Mr. Trujillo. Mr. Paperiello said the NRC staff does not find Mr. Trujillo's explanation that he did not deliberately violate NRC requirements to be credible, as Mr. Trujillo had been involved with NRC licensed activities for 10 years.

The NRC staff also determined that STI violated NRC requirements by failing to obtain a specific license from NRC or an Agreement State prior to acquiring and using byproduct (radioactive) material, a Severity Level II violation. The agency uses a four-level severity scale in which Severity Level I is the most serious. However, in this case, the NRC is not considering a civil penalty because STI has withdrawn its application for an NRC license.

The company and Mr. Trujillo have 30 days to respond if they choose to do so. Copies of the NRC letters and their enclosures, as well as any replies from the parties, will be made available to interested members of the public through the agency's public electronic reading room at: <http://www.nrc.gov/reading-rm/adams.html>. Help in accessing these documents is available from the NRC Public Document Room at (301) 415-4737 or at 1-800-397-4209.

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